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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 29th May, 1957

S.R.O. 1923.—In pursuance of the provisions of Sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 382 of 1957, presented to the Commission on the 29th April, 1957 under section 81 of the said Act, by Shri Udaichand son of Hira Lal, resident of Kuntalwas, Tehsil Lalsot, District Jaipur. Calling in question the election to the House of the People from the Dausa Parliamentary constituency of that House of Shri Gajadhar Somani, M.P., Resident of Srinivas House Baird 'B' Road, Fort No. 1, Bombay.

Presented to me by Shri Umesh Chandra Swami who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the twenty-ninth day of April one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL, Under Secy.

Election Commission, India.

(Sd.) U. C. SWAMI.

Attested.

(Sd.) DIN DAYAL, Under Secy.

THE ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION No. 382 OF 1957.

Election Petition relating to the Election to the Dausa House of the People Constituency.

Udaichand, S/o Shri Hira Lal, resident of Kuntalwas, Tehsil Lalsot, District Jaipur—*Petitioner.*

Vs.

Shri Gajadhar Somani, M.P., Resident of Srinivas House, Baird 'B' Road, Bombay Fort No. 1—*Respondent.*

May it please your honour,

The petitioner begs to submit as below:—

(1935)

May it please your honour,

The petitioner begs to submit as below:—

1. That the petitioner being an elector in Dausa House of the People Constituency is entitled under the Representation of the Peoples Act, 1951 to submit this petition to challenge the election of the Respondent. The electoral Roll Number of the Petitioner is 170 in village Kuntalwas in the electoral roll of the said constituency.

2. That one Shri Narain was a candidate at the said election and had presented his nomination paper completed in the prescribed form signed by the said candidate and by an elector of the said Constituency as proper.

3. That the Returning Officer on the date of scrutiny rejected the nomination paper of Shri Narain on the ground that the entries in column No. 2 of the Nomination paper was not properly filled.

4. That the respondent was declared elected on the 15th March, 1957.

5. That the petitioner submits that the rejection of nomination paper of Shri Narain is illegal and improper on the following grounds:—

(i) That the nomination paper having been filled in accordance with the provisions of law, the Returning Officer could not legally reject the nomination paper.

(ii) That the identity of the candidate and the proposal were not in dispute and therefore, the nomination paper could not legally be rejected;

(iii) That even if there was any error it being at the most of clerical or technical nature the Returning Officer should have permitted the correction if at all the said entry required any correction;

(iv) That even if it be regarded that it was a mistake the mistake not being of substantial character the nomination paper could not legally be rejected by the Returning Officer;

(v) That the Returning Officer rejected the Nomination paper in utter disregard of the provisions of Sec. 33 and 36 of the Representation of the People Act, 1951.

6. That by improper rejection of the Nomination Paper the result of the election has been materially affected.

7. That the petition is presented within 45 days from the date of declaration.

8. That the receipt for the deposit of security amount is attached herewith.

It is, therefore, prayed:—

(a) That the petition be accepted and the election of respondent be declared void;

(b) That the respondent be unseated;

(c) That the Cost of this petition be awarded.

Humble petitioner.

Dated the 29th April, 1957.

I, Udai Chand S/o Shri Hiralal, resident of village Kuntalwas, Tehsil Lalsot, verify that the contents of paras 1, 2, 3, 4, & 8 are true within my personal knowledge and the rest of the paras 5, 6 and 7 are believed by me to be true on the basis of legal advice, verified at Jaipur, this the 28th April, 1957.

JAIPUR,

Dated the 29th April, 1957.

Petitioner Deponent.

[N. 82/382/57].

By order,
DIN DAYAL, Under Secy.